IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.W.P. No.17768 of 2007
Date of decision: November 23,2007

Harjinder Kaur V. State of Punjab and others

CORAM: HON'BLE MR.JUSTICE J.S.KHEHAR
HON'BLE MR.JUSTICE SHAM SUNDER

Present: Mr. Y.S.Saini, Advocate, for the petitioner.

J.S.Khehar,J.(Oral)

The District Education Officer, (Secondary Education), Bathinda, cancelled the appointment of the petitioner as Art & Craft Teacher, vide order dated 21.8.2007. The aforestated order was impugned by the petitioner by filing Civil Writ Petition No.14199 of 2007. The aforesaid writ petition was allowed by order dated 20.9.2007 on the ground that the order dated 21.8.2007 had been passed without following the rules of natural justice. While setting aside order dated 21.8.2007, liberty was granted to the respondents to pass a fresh order, in accordance with law, after following the rules of natural justice.

In compliance with the directions issued by this Court on 20.9.2007 while disposing of Civil Writ Petition No.14199 of 2007, the petitioner was invited for a personal hearing through a communication dated 15.10.2007 along with original documents. It is not a matter of dispute that the petitioner availed of the aforesaid opportunity of personal hearing and produced her original documents. Having examined the same, order dated 5.11.2007 was passed by the District Education Officer, Bathinda (Annexure P/13). The aforesaid order has been impugned by the petitioner through the

instant writ petition.

While examining the claim of the petitioner, in respect of her position in the merit list, it is inter alia observed as under:

> ".....It was come to know that the appointment of the employee was done on the basis of the wrong merit. This merit list was prepared on the State Level. This merit list of female (SCM) was separate. Ms. Harjinder Kaur shown her number as 480 in the 10th Class, whereas in reality it was 460.In Diploma Art & Craft Course actual number is 555, which was shown 655. Therefore, merit of the petitioner comes to 129.19 instead of 142.80....."

During the course of hearing today, we enquired from the learned counsel for the petitioner as to whether the factual position depicted in the impugned order (extracted hereinabove) was correct. Learned counsel for the petitioner affirms the correctness of the factual position depicted in the impugned order.

In view of the above, specially on account of the fact that the petitioner was afforded an opportunity of personal hearing and also because of the fact that the factual position taken into consideration for passing the impugned order, has been affirmed to be correct, we find no justification to interfere in the impugned order dated 5.11.2007.

Dismissed.

(J.S. Khehar)
Judge

November 23,2007 (Sham Sunder)
sks Judge